MONTANA LEGISLATIVE HISTORY

Chapter 565 19 91

Bill H 660 S _____ Original bill & history ✓ C

H. Committee on Natural Resources			S. Committee on Natural Resources		
Hearing Date(s)	Feb 13	✓ C	Hearing Date(s)	Mar 20	✓ C
	Feb 15	✓ C		April	✓ C
	_____	___ C		_____	___ C
	_____	___ C		_____	___ C
Date Out	Feb 16	✓ C		April	✓ C

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

4/11	SIGNED BY SPEAKER		
4/11	SIGNED BY PRESIDENT		
4/11	TRANSMITTED TO GOVERNOR		
4/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 423	EFFECTIVE DATE: 10/01/91	

HB 660 INTRODUCED BY COHEN, ET AL.
REVISE SOLID WASTE MANAGEMENT EXEMPTION

2/07	INTRODUCED		
2/07	REFERRED TO NATURAL RESOURCES		
2/07	FIRST READING		
2/07	FISCAL NOTE REQUESTED		
2/13	HEARING		
2/13	FISCAL NOTE RECEIVED		
2/13	FISCAL NOTE PRINTED		
2/16	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/07	2ND READING PASSED	75	22
3/09	3RD READING PASSED	72	21
	TRANSMITTED TO SENATE		
3/11	FIRST READING		
3/11	REFERRED TO NATURAL RESOURCES		
3/27	HEARING		
4/02	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/04	2ND READING CONCURRED	27	20
4/05	3RD READING CONCURRED	38	12
	RETURNED TO HOUSE WITH AMENDMENTS		
4/09	2ND READING AMENDMENTS CONCURRED	98	1
4/10	3RD READING AMENDMENTS CONCURRED	97	2
4/18	SIGNED BY SPEAKER		
4/19	SIGNED BY PRESIDENT		
4/19	TRANSMITTED TO GOVERNOR		
4/23	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 565	EFFECTIVE DATE: 4/23/91	

HB 661 INTRODUCED BY J. BROWN, ET AL.
PROVIDE A GUARANTEED ANNUAL INCREASE
TO MONTHLY BENEFITS UNDER PERS

2/07	INTRODUCED
2/07	REFERRED TO STATE ADMINISTRATION
2/07	FIRST READING
2/07	FISCAL NOTE REQUESTED
2/12	FISCAL NOTE RECEIVED
2/13	FISCAL NOTE PRINTED
2/14	HEARING
3/06	TABLED IN COMMITTEE
3/19	TAKEN FROM TABLE
3/20	COMMITTEE REPORT—BILL PASSED AS AMENDED
3/21	REREFERRED TO APPROPRIATIONS
3/22	HEARING
3/23	TABLED IN COMMITTEE

HB 662 INTRODUCED BY J. BROWN
CREATING THE OFFICE OF RURAL HEALTH WITHIN THE
DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

2/07	INTRODUCED
2/07	REFERRED TO HUMAN SERVICES & AGING
2/07	FIRST READING
2/07	FISCAL NOTE REQUESTED
2/11	REREFERRED TO APPROPRIATIONS
2/12	FISCAL NOTE RECEIVED
2/13	FISCAL NOTE PRINTED
3/19	HEARING

INTRODUCED BY Hayne BILL NO. 660

A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THAT THE EXCLUSION IN THE MONTANA SOLID WASTE MANAGEMENT ACT APPLIES ONLY TO AN INDIVIDUAL DISPOSING OF SOLID WASTE THAT WAS GENERATED IN REASONABLE ASSOCIATION WITH THE INDIVIDUAL'S HOUSEHOLD OR AGRICULTURAL OPERATIONS; PROVIDING A CIVIL PENALTY FOR VIOLATIONS OF SOLID WASTE DISPOSAL LAWS AND RULES; AMENDING SECTION 75-10-214, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-10-214, MCA, is amended to read:

"**75-10-214. Exclusions -- exceptions to exclusions.** (1) This part may not be construed to prohibit a person from disposing of his own solid waste that is generated in reasonable association with his household or agricultural operations Montana upon land owned or leased by that person or covered by easement or permit as long as ~~it~~ the disposal does not create a nuisance or public health hazard.

(2) The exclusion contained in subsection (1) of this section does not apply to a division of land of 5 acres or less made after July 1, 1977, which falls within the definition of subdivision in Title 76, chapter 4, part 1, or

the Montana Subdivision and Platting Act in Title 76, chapter 3."

NEW SECTION. **Section 2.** Civil penalties. (1) A person who violates any provision of this part, a rule adopted under this part, or a license provision of this part is subject to a civil penalty not to exceed $1,000. Each day of violation constitutes a separate violation.

(2) The department may institute and maintain in the name of the state any enforcement proceedings under this section. Upon request of the department, the attorney general or the county attorney of the county where the violation occurred shall petition the district court to impose, assess, and recover the civil penalty.

(3) Fines and penalties collected for violations of this part must be deposited in the solid waste management account provided for in 75-10-117.

NEW SECTION. **Section 3.** Codification instruction. [Section 2] is intended to be codified as an integral part of Title 75, chapter 10, part 2, and the provisions of Title 75, chapter 10, part 2, apply to [section 2].

NEW SECTION. **Section 4.** Applicability. A person who disposed of solid waste under the exclusion provided in 75-10-214 before [the effective date of this act] and who loses his exclusion by virtue of [this act] has until [1 year after the effective date of this act] to comply with

INTRODUCED BILL
HB 660

solid waste disposal regulations made applicable by the loss of the exclusion. However, the person may not dispose of additional solid waste in violation of solid waste disposal regulations.

NEW SECTION. **Section 5.** Effective date. [This act] is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0660, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill specifying that the exclusion in the Montana Solid Waste Management Act applies only to an individual disposing of solid waste that was generated in reasonable association with the individual's household or agricultural operations, and providing a civil penalty for violations of solid waste disposal laws and rules.

ASSUMPTIONS:

1. Approximately 200 previously unregulated facilities would be discovered and would fall under the provisions of this act, 100 would close voluntarily, 50 would close involuntarily in response to DHES enforcement actions, and 50 would eventually be licensed.
2. Of the 50 licensed facilities, 10 would be major facilities, 30 would be intermediate facilities, and 10 would be minor facilities (as defined in SB0209).
3. All of the 50 facilities, whose owners wish to obtain a solid waste management system license, would apply for the license in the last quarter of FY92.
4. Funding for the increase in personnel and operating expenses would come from solid waste fees authorized under separate legislation (SB0209) and imposed on these newly-regulated facilities.
5. Enforcement of the provisions of this act in the 1993 biennium would require 2.00 FTE Environmental Specialists (grade 14, step 2). The increased workload associated with fee collection (assuming enactment of SB0209) would require an additional 0.25 FTE accounting clerk (grade 8 step 2).

FISCAL IMPACT:

	FY92			FY93		
Expenditures:	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	0.00	2.25	2.25	0.00	2.25	2.25
Personal Services	0	74,479	74,479	0	74,307	74,307
Operating Expenses	0	45,641	45,641	0	45,604	45,604
Total	0	120,120	120,120	0	119,911	119,911
Funding:						
Solid Waste Fees (02)	0	120,120	120,120	0	119,911	119,911
Revenue:						
Solid Waste Fees (02)	0	375,000	375,000	0	150,000	150,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:
Fees collected pursuant to SB0209 in excess of appropriations would be available for loans and grants to local governments pursuant to 75-10-121 and 125, MCA.

2-13-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

2/13/91
BEN COHEN, PRIMARY SPONSOR DATE

CHAIRMAN--BOB RANEY
NORMAL SCHEDULE==> SITE: ROOM 317 DAYS: TU,TH TIME: 3:00 P.M.

SECRETARY-LISA FAIRMAN

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0660	2/07	2/13		PASS AS AMENDED		2/16
COHEN, BEN			REVISE SOLID WASTE MANAGEMENT EXEMPTION			
HB0670	2/07	2/15		DO PASS	NATURAL RESOURCES	2/16
DAILY, FRITZ			REQUIRING REVIEW OF HARD ROCK MINE RECLAMATION BONDS EVERY 5 YEARS			
HB0670	2/23			TABLED ON 03/12		
DAILY, FRITZ			REQUIRING REVIEW OF HARD ROCK MINE RECLAMATION BONDS EVERY 5 YEARS			
HB0671	2/07	2/18		PASS AS AMENDED		2/22
GILBERT, BOB			GENERALLY REVISE THE SUBDIVISION AND PLATTING ACT AMENDMENTS			
HB0718	2/08	3/12		PASS AS AMENDED	APPROPRIATIONS	3/15
ELLIOTT, JIM			PERMIT DEPT OF HEALTH TO COLLECT FEES TO OFFSET WATER QUALITY PROGRAM COSTS			
HB0724	2/08	2/20		DO PASS		2/21
ELLIOTT, JIM			PROHIBITION ON TIMBER FROM STATE LANDS AS SUBSTITUTE FOR EXPORTED TIMBER			
HB0731	2/09	2/20		PASS AS AMENDED	APPROPRIATIONS	3/21
REAM, BOB			MANAGEMENT STANDARDS FOR FOREST PRACTICES IN STREAMSIDE MANAGEMENT ZONES			
HB0732	2/09	2/20		PASS AS AMENDED		2/21
COHEN, BEN			REQUIRE SECURED LOADS ON VEHICLES			
HB0744	2/11	2/18		TABLED ON 02/20		
O'KEEFE, MARK			SUBDIVISION MODIFICATIONS			
HB0745	2/11	2/20		DO PASS		2/21
SWYSGOOD, CHARLES			TEMPORARY BASIN CLOSURE			
HB0749	2/11	2/20		DO PASS		2/21
ELLISON, ORVAL			HARD ROCK IMPACT ACT REVISIONS			

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By CHAIRPERSON BOB RANEY, on February 13, 1991, at 3:00 pm.

ROLL CALL

Members Present:

Bob Raney, Chairman (D)
Mark O'Keefe, Vice-Chairman (D)
Beverly Barnhart (D)
Vivian Brooke (D)
Ben Cohen (D)
Ed Dolezal (D)
Orval Ellison (R)
Russell Fagg (R)
Mike Foster (R)
Bob Gilbert (R)
David Hoffman (R)
Dick Knox (R)
Bruce Measure (D)
Tom Nelson (R)
Bob Ream (D)
Jim Southworth (D)
Howard Toole (D)
Dave Wanzenried (D)

Staff Present: Gail Kuntz, Environmental Quality Council
Paul Sihler, Environmental Quality Council
Lisa Fairman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

HEARING ON HB 537

Presentation and Opening Statement by Sponsor:

REP. HAL HARPER, HD 44 - Helena, stated that Montana is in a semi-arid region. The state, as a whole, does not deal with drought in a timely manner nor does it mitigate damages. During the 1989 legislative session, a bill, similar in principle, was introduced. Since 1989, The Department of Natural Resources and Conservation (DNRC) held meetings and collected public input. The result is HB 537.

REP. GILBERT responded he thought there was only one proposed study to date. He suggested that **REP. LARSON** amend the bill so that it requests a study be considered rather than direct a study to be done. This will allow EQC the option of not doing the study if they become overloaded. **REP. FOSTER** asked **REP. LARSON** to clarify what is meant by dying lakes. **REP. LARSON** deferred the question to **Mr. Horpstadt.** **Mr. Horpstadt** responded that all lakes are ephemeral. Eventually, they will all fill in and "die". It is the rate that they are doing this that is of concern.

Closing by Sponsor:

REP. LARSON stated that lake shore development and use is increasing. The costs of the study are minimal. It is important to study the effects of growth and the potential impacts. He urged passage of HJR 17.

HEARING ON HB 660

Presentation and Opening Statement by Sponsor:

REP. BEN COHEN, HD 3 - Whitefish, stated that there needs to be more control over waste disposal. Those unlawfully dumping waste need to be controlled. Areas being used as landfills that are not licensed need to be licensed and properly managed. **REP. COHEN** reviewed the bill and the fiscal note.

Proponents' Testimony:

Chris Kaufmann, Montana Environmental Information Center, supported HB 660. She stated there is a serious loophole in the Solid Waste Mananagement Act. The loop hole involves the importation of waste. HB 660 addresses waste management of instate and out-of-state industries.

Linda Lee, Montana Audubon Legislative Fund, supported HB 660. **EXHIBIT 7**

Opponents' Testimony:

Ken Williams, Montana Power Company (MPC) and **Entech,** stated they were not strongly opposed to HB 660. He said the reason for opposing the bill is that regulations would be duplicated. Their facilities are currently regulated. Under HB 660, they would need to acquire additional permits to be regulated in the same fashion. He stated he would support amendments to correct this situation.

John Alke, MDU Resource Group Inc., opposed HB 660 for the reason stated by **Mr. Williams.**

Jerome Anderson, Shell Western E & P, Inc. and **Montana Petroleum Association,** opposed HB 660 for the reason stated by **Mr. Williams. Mr. Anderson** stated that he has no objection other than the duplicity issue.

Doug Abelin, Northern Montana Oil and Gas Association, reiterated testimony presented by **Mr. Williams** and **Mr. Anderson.**

John Fitzpatrick, Pegasus, opposed HB 660 for reasons previously stated. He said that the mining wastes that Pegasus produces are not addressed by HB 660 but the other wastes associated with the operation of mining sites are.

Questions From Committee Members:

REP. DOLEZAL asked **Tony Grover** if he had any comments. **Mr. Grover, DHES,** stated that the number of facilities mentioned in the fiscal note is probably underestimated. **REP. ELLISON** asked for an example of the kinds of wastes and types of producers under discussion. **Mr. Grover** responded that an example is the waste building material that the Exxon Refinery dumps on their land. **REP. KNOX,** referring to the fiscal note, asked what are the "Personal Services". **Mr. Grover** answered that they are the costs of two FTE's. **REP. HOFFMAN** asked **Mr. Williams** if he would be willing to work with the committee to make it workable and if so, what he would like to see done. **Mr. Williams** replied he would be willing to work to improve the bill. He said he would like to see a grandfather exemption for power plants already regulated.

REP. HOFFMAN asked how small unincorporated towns would be affected. **Mr. Grover** replied that they should be regulated by the existing program. **CHAIR RANEY** asked **Mr. Grover** if he understood the intent of the bill. **Mr. Grover** stated that it is unclear to him. **CHAIR RANEY** said the intent is to control those individuals who are disposing of their garbage in an unlawful and unsafe manner. **Mr. Grover** responded that the bill is vague and needs to be amended so that regulated people are not subjected to additional regulation and to specify those that are unregulated. **CHAIR RANEY** inquired if all those that are currently regulated were eliminated from the bill would the fiscal note be affected. **Mr. Grover** replied that the fiscal impact would significantly decrease.

REP. BRUCE MEASURE asked **REP. COHEN** who the bill is trying to address. **REP. COHEN** answered unregulated individuals, such as those that dump in coulees, or the small business that disposes of garbage through unconventional methods. The intent is to help the state get control so that garbage is disposed of in a licensed landfill. **Mr. Grover** added that in some situations, such as Hutterite communities, large amounts of garbage are disposed of in an unregulated fashion. **REP. GILBERT** asked if an incorporated group of farmers would be regulated under HB 660. **Mr. Grover** replied yes, according to the way the bill is written.

REP. HOFFMAN asked **REP. COHEN** if he would be willing to work with the concerned people to arrive at a compromise bill. **REP. COHEN** responded that he would and he never intended to affect the agriculturalists, or the mining and power companies. **REP. KNOX** stated he was comfortable with the bill provided the amendments addressing agriculture and mining are adopted.

Closing by Sponsor:

REP. COHEN stated he is happy to work with the concerned parties. He said the intent of the bill was to address the problems of individuals improperly disposing of wastes. It was never intended to be directed at the agricultural, mining, or power industries.

HEARING ON HB 524

Presentation and Opening Statement by Sponsor:

REP. BOB RANEY, HD 82 - Livingston, stated that at some point society will abandon fossil fuels and find methods of energy production that won't destroy the environment. Wind power is a source of power yet to be harnessed. The Rocky Mountain Front is an ideal place to address the possibility of creating wind power. HB 524 asks for $70,000 from oil overcharge money for use in a wind energy study in Montana. The oil overcharge money is a fund of approximately $1,000,000 to $1,500,000. For money to be appropriated for the study, every state dollar must be matched by two dollars from the federal government or private enterprises.

Proponents' Testimony:

Van Jamison, Department of Natural Resources and Conservation (DNRC), supported HB 524. He stated there is plenty of wind energy on the Rocky Mountain Front, over 4800 megawatts. There is a need to study if wind can be economically harnessed, transformed to electricity, and transported. The highest cost in wind energy is the transmission line and the transmission connection. The study will help prioritize feasible areas to develop. The Northwest Power Planning Council's most recent plan incorporates wind as an important component in meeting future energy needs. The study will form partnerships with interested parties to study the availability and feasibility of wind energy. **EXHIBIT 8**

Jim Barngrover, Alternative Energy Resource Organization (AERO), stated that wind power is not a new concept. He said that conservation and self-reliance is extremely important. While it is not desirable to build more transmission lines, wind power is much better than burning fossil fuels or relying on nuclear power plants. He supported HB 524.

Jim Jensen, Montana Environmental Information Center (MEIC), supported HB 524. He stated that wind energy has its negatives

HOUSE OF REPRESENTATIVES

NATURAL RESOURCES COMMITTEE

ROLL CALL DATE 2-13-91

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK O'KEEFE, VICE-CHAIRMAN	✓		
REP. BOB GILBERT	✓		
REP. BEN COHEN	✓		
REP. ORVAL ELLISON	✓		
REP. BOB REAM	✓		
REP. TOM NELSON	✓		
REP. VIVIAN BROOKE	✓		
REP. BEVERLY BARNHART	✓		
REP. ED DOLEZAL	✓		
REP. RUSSELL FAGG	✓		
REP. MIKE FOSTER	✓		
REP. DAVID HOFFMAN	✓		
REP. DICK KNOX	✓		
REP. BRUCE MEASURE	✓		
REP. JIM SOUTHWORTH	✓		
REP. HOWARD TOOLE	✓		
REP. DAVE WANZENRIED	✓		
REP. BOB RANEY, CHAIRMAN	✓		

CS05NATRES.MAN

DATE 2-13-91
HB 660

Montana Audubon Legislative Fund

Testimony on HB 660
House Natural Resources
February 12, 1991

Mr. Chairman and Members of the Committee,

My name is Linda Lee and I'm here today representing the Montana Audubon Legislative Fund. The Audubon Fund is composed of nine Chapters of the National Audubon Society and represents 2,500 members throughout the state.

We support House Bill 660. It is important to close the loophole that exists for industry to dump on their own property with no regulation. The number of these unregulated landfills is unknown. There may be a hundred, and there could be a thousand of them across the state. Whatever the number, they cannot be allowed to continue because the potential contamination of our ground water supply is tremendous.

It is also important to allow local governments to address these violations. Please pass House Bill 660.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Natural Resources COMMITTEE BILL NO. HB 660

DATE 2-13-91 SPONSOR(S) Cohen

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Linda Lee	Montana Audubon Legislative Fund	660		X
Chris Kaufmann	Montana EIC	660		X
John Alke	MDU			amend
Jerome Anderson	Shell Western E&P Inc.			amend
Ken Williams	MPC/Entech			Amend
Doug Abelin	N.M. Oil & Gas			amend
John Fitzpatrick	Pegasus Gold Corporation			AMEND
Janelle Fallan, Helena	Mt Petroleum			amend

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRPERSON BOB RANEY**, on February 15, 1991, at 3:00 pm.

ROLL CALL

Members Present:

Bob Raney, Chairman (D)
Mark O'Keefe, Vice-Chairman (D)
Beverly Barnhart (D)
Vivian Brooke (D)
Ben Cohen (D)
Ed Dolezal (D)
Orval Ellison (R)
Russell Fagg (R)
Mike Foster (R)
Bob Gilbert (R)
Bruce Measure (D)
Tom Nelson (R)
Bob Ream (D)
Jim Southworth (D)
Howard Toole (D)
Dave Wanzenried (D)

Members Excused: David Hoffman (R)
Dick Knox (R)

Staff Present: Gail Kuntz, Environmental Quality Council
Paul Sihler, Environmental Quality Council
Lisa Fairman, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

HEARING ON HB 586

Presentation and Opening Statement by Sponsor:

REP. CHUCK SWYSGOOD, HD 73 - Dillon, said HB 586 will provide a source of revenue to rehabilitate state water conservation projects, such as state-owned dams, and help pay the debt of the Broadwater Power Project. **EXHIBIT 1**

Proponents' Testimony:

draft the amendments and agrees with them. Another bill in process would raise all $10,000 fines to $25,000.

REP. FAGG asked who was involved in developing the compromise bill and if everyone agreed. **REP. DAILY** said DHES, EQC staff, Ward Shanahan from ARCO, John Fitzpatrick, Leo Berry, Kim Wilson and himself developed the compromise and all agreed. ARCO has since requested some changes. He studied ARCO's proposed amendments. It appears ARCO is trying to take itself off the hook. No one disagreed with the amendments until moments ago. He is happy with the amendments and isn't concerning himself with ARCO's amendments. He urged the committee to proceed.

REP. RANEY said ARCO's amendments could be addressed in the Senate or in committee, if desired. **REP. GILBERT** said there isn't enough time to consider ARCO's amendments. **REP. RANEY** said he prefers the issue be addressed in the Senate unless someone on the committee wants to address it now. The committee agreed to pass discussion.

REP. TOOLE expressed concern over lack of action by ARCO and EPA on the Butte pit. He said a message should be sent to express how serious the problem is. He urged the committee to pass the bill as amended.

REP. GILBERT said the EPA controls the situation and nothing can be done without EPA's approval. Neither the state nor ARCO has any control over what happens. The state is putting ARCO in an untenable position. ARCO will have to pay the fine but can't do anything about the situation. The state doesn't have a legal basis. This bill doesn't work. The state is punishing innocent people.

REP. ELLISON said he agreed with **REP. GILBERT's** comments. Maybe the state could contact Montana's congressional delegation to force action.

REP. BROOKE said she favors the bill. She too is concerned it may jeopardize the process and that the state may be exceeding its authority. The community worked hard and has nowhere else to turn for help. This bill may provide the momentum to get EPA to take action.

REP. DOLEZAL agreed with **REP. BROOKE.**

Vote: **HB 380 DO PASS AS AMENDED.** Motion carried 13 to 4, with Reps. Nelson, Knox, Gilbert and Ellison voting no. Rep. Hoffman was absent from voting.

EXECUTIVE ACTION ON HB 660

Motion: **REP. COHEN MOVED HB 660 DO PASS.**

Discussion: **REP. COHEN** distributed and reviewed several

amendments. EXHIBIT 33

He said this covers agricultural corporations and other kinds of businesses engaged in agricultural operations.

Motion/Vote: REP. COHEN moved to amend HB 660. Motion carried unanimously.

Motion/Vote: REP. COHEN MOVED HB 660 DO PASS AS AMENDED. Motion carried unanimously. Reps. Knox and Hoffman were absent from voting.

EXECUTIVE ACTION ON HB 586

Motion/Vote: REP. FAGG MOVED HB 586 DO PASS. Motion carried unanimously. Reps. Knox and Hoffman were absent.

EXECUTIVE ACTION ON HB 630

Motion: REP. GILBERT MOVED HB 630 DO PASS. Motion carried unanimously.

REP. RANEY noted HB 670 was canceled.

EXECUTIVE ACTION ON HB 639

Motion/Vote: REP. TOOLE MOVED HB 639 DO PASS. Motion carried unanimously.

DISCUSSION ON HB 637

REP. COHEN said some pesticide applicators indicated there were ways in which other states and communities have addressed the problem. REP. BECKER seemed amenable to amending the bill to meet some of those concerns. Maybe she should have some time to meet with those people.

REP. FOSTER said it seemed this matter could be handled by a local government through a city ordinance. REP. RANEY said that maybe the committee needs to provide in the statute that cities can do it by ordinance.

REP. TOOLE asked REP. RANEY what he thinks, given his experience with pesticide application. REP. RANEY said insect hatches must be dealt with immediately. Insects will be out of control if 48-hour notification is required. But the bill shouldn't just fall by the wayside. What these people are trying to do makes sense.

REP. DOLEZAL suggested county officials be contacted to see how the bill would impact their program. Maybe a compromise can be reached.

REP. ELLISON said opponents made suggestions that might work. This bill is unworkable. He suggested a registry be established

HOUSE OF REPRESENTATIVES

NATURAL RESOURCES COMMITTEE

ROLL CALL DATE 2-15-91

NAME	PRESENT	ABSENT	EXCUSED
REP. MARK O'KEEFE, VICE-CHAIRMAN	✓		
REP. BOB GILBERT	✓		
REP. BEN COHEN	✓		
REP. ORVAL ELLISON	✓		
REP. BOB REAM	✓		
REP. TOM NELSON	✓		
REP. VIVIAN BROOKE	✓		
REP. BEVERLY BARNHART	✓		
REP. ED DOLEZAL	✓		
REP. RUSSELL FAGG	✓		
REP. MIKE FOSTER	✓		
REP. DAVID HOFFMAN			✓
REP. DICK KNOX			✓
REP. BRUCE MEASURE	✓		
REP. JIM SOUTHWORTH	✓		
REP. HOWARD TOOLE	✓		
REP. DAVE WANZENRIED	✓		
REP. BOB RANEY, CHAIRMAN	✓		

CS05NATRES.MAN

10:30
2-16-91
JDR

HOUSE STANDING COMMITTEE REPORT

February 16, 1991

Mr. Speaker: We, the committee on Natural Resources report that House Bill 660 (first reading copy -- white) do pass as amended.

Signed: _____
Bob Raney, Chairman

And, that such amendments read:

1. Title, line 6.
Strike: "AN INDIVIDUAL"
Insert: "A PERSON"

2. Title, line 7.
Strike: "INDIVIDUAL'S"
Insert: "PERSON'S"

3. Page 1, line 15.
Following: "(1)"
Insert: "(a)"

4. Page 1, line 21.
Following: "hazard"
Insert: "or violate the laws governing the disposal of hazardous or deleterious substances.

(b) This part does not apply to the operation of an electric generating facility, to the drilling, production, or refining of natural gas or petroleum, or to the operation of a mine, mill, smelter, or electrolytic reduction facility"

5. Page 1, line 22.
Strike: "exclusion"
Insert: "exclusions"

10:30
2-16-91
FDB

6. Page 1, line 23.
Strike: "does"
Insert: "do"

7. Page 1, line 24.
Strike: "which"
Insert: "that"

EXHIBIT 33
DATE 2-15-91
660

Amendments to House Bill No. 660
First Reading Copy

Requested by Rep. Cohen
For the Committee on Natural Resources

Prepared by Paul Sihler
February 15, 1991

1. Title, line 6.
Strike: "INDIVIDUAL"
Insert: "PERSON"

2. Title, line 7.
Strike: "INDIVIDUAL'S"
Insert: "PERSON'S"

3. Page 1, line 15.
Following: "(1)"
Insert: "(a)"

4. Page 1, line 21.
Following: "hazard"
Insert: "or violate the laws governing the disposal of hazardous or deleterious substances.

(b) This part does not apply to the operation of an electric generating facility, to the drilling, production, or refining of natural gas or petroleum, or to the operation of a mine, mill, smelter, or electrolytic reduction facility"

5. Page 1, line 22.
Strike: "exclusion"
Insert: "exclusions"

6. Page 1, line 23.
Strike: "does"
Insert: "do"

7. Page 1, line 24.
Strike: "which"
Insert: "that"

CHAIRMAN--LAWRENCE STIMATZ
SECRETARY-ROBERTA OPEL
NORMAL SCHEDULE==> SITE: ROOM 405 DAYS: M,W,F TIME: 3:00 P.M.

--BILL NO---	REFER DATE---	HEARING DATE---	CONSIDERATION DATES----------	COMMITTEE ACTION----------	REREFERRED TO COMM----	DATE OUT-
HB0539	2/27	3/11		CONCUR		3/27
DAILY, FRITZ			GENERALLY REVISE STATE CERCLA LAW			
HB0607	2/27	3/13		CONCUR AS AMENDED		3/26
RANEY, BOB			AMEND PERMIT REQUIREMENTS FOR SOLID AND HAZARDOUS WASTE INCINERATORS			
HB0637	2/26	3/27		ADVERSE RPT ADOPT		4/02
BECKER, ARLENE			REQUIRING NOTIFICATION OF PESTICIDE USE IN CITIES AND TOWNS			
HB0639	3/11	3/25		CONCUR		3/26
HANSEN, STELLA			LATE FEE FOR LICENSE TO CLEAN SEPTIC TANKS, CESSPOOLS, AND PRIVIES			
HB0641	2/27	3/22		CONCUR		3/23
KNOX, DICK			IMPROVE NOTICE TO AFFECTED LANDOWNERS UNDER HARD ROCK ACT			
HB0660	3/11	3/27		CONCUR AS AMENDED		4/02
COHEN, BEN			REVISION OF SOLID WASTE MANAGEMENT EXEMPTION			
HB0671	2/27	3/24		CONCUR AS AMENDED		4/03
GILBERT, BOB			SUBDIVISION AND PLATTING ACT AMENDMENTS			
HB0724	2/27	3/18		CONCUR		3/19
ELLIOTT, JIM			PROHIBITION ON TIMBER FROM STATE LANDS AS SUBSTITUTE FOR EXPORTED TIMBER			
HB0731	3/28	4/10		CONCUR AS AMENDED		4/11
REAM, BOB			MANAGEMENT STANDARDS FOR FOREST PRACTICES IN STREAMSIDE MANAGEMENT ZONES			
HB0745	2/26	3/20		CONCUR		3/21
SWYSGOOD, CHARLES			TEMPORARY BASIN CLOSURE			
HB0749	3/11	3/22		CONCUR		3/23
ELLISON, ORVAL			HARD ROCK IMPACT ACT REVISIONS			

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Lawrence Stimatz, on March 27, 1991, at 3:00 p.m.

ROLL CALL

Members Present:
Lawrence Stimatz, Chairman (D)
Cecil Weeding, Vice Chairman (D)
John Jr. Anderson (R)
Esther Bengtson (D)
Don Bianchi (D)
Steve Doherty (D)
Lorents Grosfield (R)
Bob Hockett (D)
Thomas Keating (R)
John Jr. Kennedy (D)
Larry Tveit (R)

Members Excused:

Staff Present: Gail Kuntz (EQC).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None

HEARING ON HB 375

Presentation and Opening Statement by Sponsor:

Representative Hansen, District 57, told the committee that HB 375 is "a simple bill addressing littering." Littering fees are not currently enforced, Hansen said, and so HB 375 raises the fine to not more than $250 for the first offense and not more than $500 for the second offense. Hansen said she felt everyone should be more careful disposing of their litter.

Proponents' Testimony:

There were no proponents'.

None.

HEARING ON HB 660

Presentation and Opening Statement by Sponsor:

Representative Cohen, District 3, presented HB 660 to the committee. Funding for the bill would come from SB 209, Cohen said.

Proponents' Testimony:

Chris Kaufman, Montana Environmental Information Center, testified in support of the bill stating that HB 660 would allow someone to dispose of solid waste on their own property.

Janet Ellis, Montana Audubon Legislative Fund, stated support for HB 660.

Opponents' Testimony:

There were no opponents' to the bill.

Questions From Committee Members:

There were no questions from the committee.

Closing by Sponsor:

Representative Cohen asked that HB 660 BE CONCURRED IN and noted a fiscal note had been added to the bill.

ADJOURNMENT

Adjournment At: 8:20 p.m.

Lawrence Stimatz, Chairman

Roberta Opel, Secretary

LS/ro

DATE 3-27-91 393

COMMITTEE ON Natural Resources 3pm Mtg.

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Linda Lee	Montana Audubon	637	X	
[illegible]	[illegible]	[illegible]	[illegible]	
Susan Lenard	Self	637	X	
Siginane Andreason	Public (Self)	HB637	X	
Nancy Matheson	Northern Coalition for Alternatives to Pesticides	HB637	X	
Pam Langley	Montana AgriBusiness	HB637		X
Pam Langley	Montana AgriBusiness, Montana Grain Elevator, Montana Seed Trades Assn.	HB233 HB924	X	
Ron Broker	Cenex & Council of Coops	HB637		X
David Burch	Mt. Weed Control Assoc	HB637		X
Lois Kaufman	MEIC	HB637 HB660	XX	
Janet Ellis	MT Audubon	HB660	X	

MINUTES

MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON NATURAL RESOURCES

Call to Order: By Lawrence Stimatz, on April 1, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Lawrence Stimatz, Chairman (D)
Cecil Weeding, Vice Chairman (D)
John Jr. Anderson (R)
Esther Bengtson (D)
Don Bianchi (D)
Steve Doherty (D)
Lorents Grosfield (R)
Bob Hockett (D)
Thomas Keating (R)
John Jr. Kennedy (D)

Members Excused: Larry Tveit

Staff Present: Gail Kuntz, Paul Sihlert and Deborah Schmidt (EQC).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion: None.

EXECUTIVE ACTION ON HB 233

Motion:

Senator Kennedy made a motion that HB 233 BE CONCURRED IN.

Senator Doherty moved Senator Thayer's amendments to HB 233.(EXHIBIT #1).

Discussion:

Senator Grosfield told the committee that he did not understand why there was a coordinating clause between HB's 233 and 924. Grosfield stated he felt the bills "should be able to stand on their own."

Grover replied that under SB 209, there would be a $15,000 fee for a large landfill.

Recommendation and Vote:

Motion by Senator Weeding that HB 377 BE CONCURRED IN passed on a 6 to 5 vote with Senators Anderson, Bengtson, Grosfield, Keating and Tveit opposing the motion.

EXECUTIVE ACTION ON HB 637

Motion:

Senator Grosfield moved that HB 637 BE NOT CONCURRED IN stating that he did not feel the bill was "workable."

Discussion:

None.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

Motion by Senator Grosfield that HB 637 BE NOT CONCURRED IN carried unanimously.

EXECUTIVE ACTION ON HB 660

Motion:

Motion by Senator Bengtson to move Senator Kennedy's amendments to HB 660.

Motion by Senator Hockett that HB 660 as amended BE CONCURRED IN.

Discussion:

None.

Amendments, Discussion, and Votes:

Motion to adopt Senator Kennedy's amendments carried unanimously.

Recommendation and Vote:

Motion by Senator Hockett that HB 660 BE CONCURRED IN carried with Senator Keating voting against the motion.

SENATE NATURAL RESOURCES
EXHIBIT NO. 1
DATE 4-1-91
BILL NO. HB660

Amendments to House Bill No. 660
Third Reading Copy

Requested by Sen. Kennedy
For the Senate Committee on Natural Resources

Prepared by Gail Kuntz
March 28, 1991

1. Page 3, line 10.
Following: "exclusion"
Insert: "and is not subject to the civil penalty provisions of [section 2] during that 1-year period"

ROLL CALL

Natural Resources

COMMITTEE

DATE 4-1-91

52

LEGISLATIVE SESSION

NAME	PRESENT	ABSENT	EXCUSED
Senator Anderson	✓		
Senator Bengtson	✓		
Senator Bianchi	✓		
Senator Doherty	✓		
Senator Grosfield	✓		
Senator Hockett	✓		
Senator Keating	✓		
Senator Kennedy	✓		
* Senator Tveit	✓	(left proxy	voted W/ reservation)
Vice Chairman, Weeding	✓		
Chairman Stimatz	✓		

Each day attach to minutes.

Senate Natural Resources April 1, 1991

1. I vote no on HB 660
2. I vote no on HB 637
3. I vote no on HB377
4. I vote no on HB 375
5. I vote no on HB 891
6. I vote yes on HB 908
7. I vote no on HB 671 (as amended Grey bill) X

(?) I vote yes on Greybill amendments as amended by sub committee

Senator Larry Tveit

DATE 4-1-91

COMMITTEE ON Natural Resources

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Dan Place	Montana Power Elec. for Alsa Broadwater Co. in Townsend	233	✓	
Tony Groover	DHES	377 660		
Roger Thorvilson	"	"		
Steve Herbert	Flat Head Regional Dev.	671	✓	

SENATE STANDING COMMITTEE REPORT

April 2, 1991

MR. PRESIDENT:

We, your committee on Natural Resources having had under consideration House Bill No. 660 (third reading copy -- blue), respectfully report that House Bill No. 660 be amended and as so amended be concurred in:

1. Page 3, line 10.
Following: "exclusion"
Insert: "and is not subject to the civil penalty provisions of [section 2] during that 1-year period"

Signed: Lawrence G. Stimatz
Lawrence G. Stimatz, Chairman

4-2-91
Amd. Coord.

4-2-91
Sec. of Senate

HOUSE BILL NO. 660

INTRODUCED BY COHEN, RANEY

A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THAT THE EXCLUSION IN THE MONTANA SOLID WASTE MANAGEMENT ACT APPLIES ONLY TO ~~AN INDIVIDUAL~~ A PERSON DISPOSING OF SOLID WASTE THAT WAS GENERATED IN REASONABLE ASSOCIATION WITH THE ~~INDIVIDUAL'S~~ PERSON'S HOUSEHOLD OR AGRICULTURAL OPERATIONS; PROVIDING A CIVIL PENALTY FOR VIOLATIONS OF SOLID WASTE DISPOSAL LAWS AND RULES; AMENDING SECTION 75-10-214, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-10-214, MCA, is amended to read:

"**75-10-214. Exclusions -- exceptions to exclusions.** (1) (A) This part may not be construed to prohibit a person from disposing of his own solid waste that is generated in reasonable association with his household or agricultural operations ~~Montana~~ upon land owned or leased by that person or covered by easement or permit as long as ~~it~~ the disposal does not create a nuisance or public health hazard OR VIOLATE THE LAWS GOVERNING THE DISPOSAL OF HAZARDOUS OR DELETERIOUS SUBSTANCES.

(B) THIS PART DOES NOT APPLY TO THE OPERATION OF AN ELECTRIC GENERATING FACILITY, TO THE DRILLING, PRODUCTION, OR REFINING OF NATURAL GAS OR PETROLEUM, OR TO THE OPERATION OF A MINE, MILL, SMELTER, OR ELECTROLYTIC REDUCTION FACILITY.

(2) The ~~exclusion~~ EXCLUSIONS contained in subsection (1) of this section ~~does~~ DO not apply to a division of land of 5 acres or less made after July 1, 1977, ~~which~~ THAT falls within the definition of subdivision in Title 76, chapter 4, part 1, or the Montana Subdivision and Platting Act in Title 76, chapter 3."

NEW SECTION. **Section 2. Civil penalties.** (1) A person who violates any provision of this part, a rule adopted under this part, or a license provision of this part is subject to a civil penalty not to exceed $1,000. Each day of violation constitutes a separate violation.

(2) The department may institute and maintain in the name of the state any enforcement proceedings under this section. Upon request of the department, the attorney general or the county attorney of the county where the violation occurred shall petition the district court to impose, assess, and recover the civil penalty.

(3) Fines and penalties collected for violations of this part must be deposited in the solid waste management account provided for in 75-10-117.

NEW SECTION. **Section 3.** Codification instruction.

REFERENCE BILL

AS AMENDED

[Section 2] is intended to be codified as an integral part of Title 75, chapter 10, part 2, and the provisions of Title 75, chapter 10, part 2, apply to [section 2].

NEW SECTION. **Section 4.** **Applicability.** A person who disposed of solid waste under the exclusion provided in 75-10-214 before [the effective date of this act] and who loses his exclusion by virtue of [this act] has until [1 year after the effective date of this act] to comply with solid waste disposal regulations made applicable by the loss of the exclusion AND IS NOT SUBJECT TO THE CIVIL PENALTY PROVISIONS OF [SECTION 2] DURING THAT 1-YEAR PERIOD. However, the person may not dispose of additional solid waste in violation of solid waste disposal regulations.

NEW SECTION. **Section 5.** **Effective date.** [This act] is effective on passage and approval.

-End-